

## REMARKS

In the Office Action mailed August 21, 2006, the Examiner took the following action: (1) objected to claims 1, 3, and 36 due to informalities; (2) rejected claims 3, 8-11 and 13 under 35 U.S.C. §112 as being indefinite; (3) rejected claims 1, 3, 5, 8, 9, 11, and 13 under 35 U.S.C. §102(b) as being anticipated by Schwertfeger (U.S. 5,474,260); and (4) rejected claim 36 under 35 U.S.C. §103(a) as being unpatentable over Schwertfeger in view of Kenet (U.S. 5,309,146). The Examiner noted, however, that claim 10 would be allowable if rewritten to include the limitations of its respective base and intermediate claims, and to overcome the rejection thereof under §112. Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

### *I. Objections to Claims*

The Examiner objected to claim 1 (and therefore dependent claims 3 and 36) due to an informality in the preamble. Applicants have amended claim 1 to correct the informality noted by the Examiner, and respectfully request reconsideration and withdrawal of these objections.

### *II. Rejections under 35 U.S.C. §112, first paragraph*

The Examiner rejected claims 3, 8-11 and 13 under 35 U.S.C. §112, second paragraph as being indefinite due to various informalities. Applicants have amended the claims to correct the informalities noted by the Examiner.

Specifically, Claim 3 has been amended to replace "created space" with -- interior region --; Claim 8 has been amended to remove reference to the "second separator"; and Claim 9 has been amended to remove the indefiniteness associated with the separator noted by the Examiner, thereby correcting the indefiniteness of claims 9-11.

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §112, second paragraph, as being indefinite.

*III. Rejections under 35 U.S.C. §102(b) and §103(a)*

The Examiner rejected claims 1, 3, 5, 8, 9, 11, and 13 under 35 U.S.C. §102(b) as being anticipated by Schwertfeger (U.S. 5,474,260), and also rejected claim 36 under 35 U.S.C. §103(a) as being unpatentable over Schwertfeger in view of Kenet (U.S. 5,309,146).

Claims 1, 3, and 36

As amended, claim 1 recites:

1. A lavatory for a cabin of an aircraft, the aircraft having plumbing components, the lavatory comprising:  
at least one stall unit having walls defining an interior region, the unit comprising:  
a single commode located in the interior region; and  
*at least one sink located external to the interior region; and*  
stall unit plumbing components coupled to the commode, the sink and the aircraft plumbing components,  
*wherein the at least one sink is mounted to an external side of the stall unit wall, wherein the external side of the stall unit wall is adjacent to a passenger seating portion of the cabin.* (emphasis added).

Schwertfeger (U.S. 5,474,260)

Schwertfeger teaches an aircraft 1 having a main deck 3 and a lower deck 5. As best shown in Figure 3, a sanitary facility 9A located on the lower deck 5 includes a stall unit 14 having a commode 14B, and a basin 14D associated with the stall unit 14. (3:44-53). According to Schwertfeger, improved utilization of space is achieved because the basins 14C, 14D of the stall units 14 are arranged with the curved fuselage walls so that the space above the basins 14C, 14D is unobstructed. (3:48-51).

Schwertfeger does not disclose, teach, or fairly suggest the assembly recited in claim 1. Specifically, Schwertfeger does not teach or suggest a lavatory including (in relevant part) at

least one stall unit having walls defining an interior region, *at least one sink located external to the interior region*, and *wherein the at least one sink is mounted to an external side of the stall unit wall, wherein the external side of the stall unit wall is adjacent to a passenger seating portion of the cabin.* (emphasis added).

First, the basins 14C, 14D taught by Schwertfeger are not *located external to the interior region* of the stall units 14. This is apparent in Figure 3, which shows the basins 14D disposed in recesses within walls of the stall units 14. Examination of Figure 3 shows that the dots indicating handles for controlling water flow at each basin 14D are disposed against the wall of each stall unit 14, thereby demonstrating that the basins 14D are not *located external to the interior region* of the stall units 14. For this reason, Schwertfeger fails to teach or fairly suggest the lavatory recited in claim 1.

Second, Schwertfeger teaches the desirability of locating the sanitary facilities 9A on the lower deck 5, away from the main deck 3 where the passengers are seated. As shown in Figure 3, passengers must descend a stairway 6 from the main deck 3 to reach the sanitary facility 9A. According to Schwertfeger, the disposition of the sanitary facility 9A on the lower deck 5 away from the passengers on the main deck 3 is preferable because by separating “the passenger cabin from the lower deck facilities” a larger number of passenger seats may be installed on the main deck 5 to provide greater economic benefit, and also to avoid passenger waiting lines at the sanitary facility 9A from interfering with free movement of passengers on the main deck 3. (2:7-8; 2:17-21; 2:52-55; 1:30-32). For these reasons, Schwertfeger fails to teach or suggest, and in fact teaches away from, a lavatory including at least one stall unit having walls defining an interior region, *at least one sink located external to the interior region*, and *wherein the at least one sink is mounted to an external side of the stall unit wall, wherein the external side of the stall unit wall is adjacent to a passenger seating portion of the cabin* (emphasis added) as recited in Applicants’ claim 1.

Kenet (U.S. 5,309,146)

Kenet fails to remedy the above-noted deficiencies of Schwertfeger. Kenet teaches a system for monitoring the presence of persons in a room, and for controlling an HVAC system based on several inputs (e.g. presence of persons, season, temperature, etc.). More specifically, there is no teaching or suggestion in Kenet of a lavatory including at least one stall unit having walls defining an interior region, *at least one sink located external to the interior region*, and *wherein the at least one sink is mounted to an external side of the stall unit wall, wherein the external side of the stall unit wall is adjacent to a passenger seating portion of the cabin.* (emphasis added). Furthermore, assuming arguendo that Kenet might possibly teach or suggest any of the limitations not taught by Schwertfeger, there would be no proper motivation to combine the teachings of Kenet and Schwertfeger in a manner that would render claim 1 unpatentable due to the fact that Schwertfeger expressly teaches away from a significant aspect of Applicants claimed lavatory, *i.e., wherein the at least one sink is mounted to an external side of the stall unit wall, wherein the external side of the stall unit wall is adjacent to a passenger seating portion of the cabin.* (emphasis added).

For the foregoing reasons, claim 1 is allowable over the cited references. Claims 3 and 36 depend from claim 1 and are allowable at least due to their dependencies on claim 1, and also due to additional limitations recited in those claims. For example, claim 3 recites the lavatory of Claim 1, further comprising at least one urinal located in the interior region, *the at least one urinal being unsuitable for seated use by a passenger.* (emphasis added). Throughout Schwertfeger (e.g. Figures 3 and 5), the teachings of Schwertfeger are limited to the use of toilet bowls 14A. Schwertfeger therefore fails to teach or suggest a urinal *unsuitable for seated use by a passenger* as recited in claim 3. For these additional reasons, claims 3 and 36 are allowable over the cited references.

Claims 5, 8, and 11

As amended, claim 5 recites:

5. A lavatory complex for a cabin of an aircraft, the aircraft having plumbing components, the lavatory complex comprising:  
a male lavatory facility including:  
at least one stall unit, wherein the at least one stall unit includes a single commode;  
at least one urinal; and  
stall unit plumbing components coupled to the at least one stall unit, the at least one urinal and the aircraft plumbing components;  
a female lavatory facility including:  
first and second stall units;  
a first separator separating the first and second stall units from each other; and  
at least one sink separated from at least one of the first and second stall units by the first separator; and  
at least one sink mounted to an external side of a stall unit wall separating at least one of the male lavatory facility and the female lavatory facility from a remainder of the cabin, and the external side of the stall unit wall is adjacent to a surrounding portion of the cabin.

Claim 5 now includes the limitations recited in claims 9 and 10, properly amended to correct the informalities noted by the Examiner leading to the rejection of claims 9 and 10 under §112, second paragraph. Therefore, as acknowledged by the Examiner, claim 5 is allowable. Claims 8 and 11 depend from claim 5 and are allowable at least due to their dependencies on claim 5, and also due to additional limitations recited in these claims.

Claim13

Finally, claim 13 recites:

13. A lavatory complex for a cabin of an aircraft, the aircraft having plumbing components, the lavatory complex comprising:  
a male lavatory facility including:  
at least one stall unit, wherein the at least one stall unit includes a commode;  
at least one urinal, *the at least one urinal being unsuitable for seated use by a passenger*;  
a first separator for separating the at least one stall unit from the at least one urinal; and  
a second separator for separating the at least one stall unit and the at least one urinal from the rest of the aircraft cabin; and  
male lavatory plumbing components coupled to the commode, the at least one urinal, and the aircraft plumbing components;  
and  
a female lavatory facility including:  
at least one stall unit, wherein the at least one stall unit includes a commode;  
a first separator at least partially defining the at least one stall unit; and  
a second separator for separating the at least one stall unit from the rest of the aircraft cabin; and  
female lavatory plumbing components coupled to the commodes of the female facility and the aircraft plumbing components;  
and  
at least one sink located externally to the male lavatory facility and the female lavatory facility *on an external wall of at least one of the male and female lavatory facilities adjacent to a passenger seating portion of the cabin.* (emphasis added).

As described more fully above, the cited references (Schwertfeger and Kenet) do not disclose, teach, or fairly suggest the lavatory recited in claim 13. Specifically, the cited references do not teach or suggest a lavatory including (in relevant part) a male lavatory facility including: at least one stall unit, wherein the at least one stall unit includes a commode; at least one urinal, *the at least one urinal being unsuitable for seated use by a passenger*; a first separator for separating the at least one stall unit from the at least one urinal; and a second separator for

separating the at least one stall unit and the at least one urinal from the rest of the aircraft cabin; and *at least one sink located externally to the male lavatory facility and the female lavatory facility on an external wall of at least one of the male and female lavatory facilities adjacent to a passenger seating portion of the cabin.* (emphasis added).

As noted above, according to Schwertfeger, the disposition of the sanitary facility 9A on the lower deck 5 away from the passengers on the main deck 3 is preferable for several reasons. (2:7-8; 2:17-21; 2:52-55; 1:30-32). For these reasons, Schwertfeger fails to teach or suggest, and in fact teaches away from, a lavatory including *at least one sink located externally to the male lavatory facility and the female lavatory facility on an external wall of at least one of the male and female lavatory facilities adjacent to a passenger seating portion of the cabin* (emphasis added) as recited in Applicants' claim 13.

Furthermore, the teachings of Schwertfeger are limited to the use of toilet bowls 14A. Schwertfeger therefore fails to teach or suggest a male lavatory facility including at least one urinal *unsuitable for seated use by a passenger* as recited in claim 13.

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims under 35 U.S.C. §102(b) and §103(a).

### CONCLUSION

For the foregoing reasons, Applicants respectfully submit that claims 1, 3, 5, 8, 11, 13, and 36 are now in condition for allowance. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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By: \_\_\_\_\_

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